



Text File

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Bill No: 2020-0406, **Version:** 2

Committee: Committee on Public Safety
Services

Status: Passed Finally

Ordinance supplementing the Pittsburgh Code of Ordinances, Title One, Administrative, Article One, General Provisions, Chapter 103, Official Standards, by adding a new subsection, 103.06 - Prohibition on Acquisition of Military Equipment or Weaponry.

(Cablecast Public Hearing held 7/15/20 & Cablecast Post Agenda held 7/16/20)

Whereas, the militarization of policing has become commonplace in cities and towns across America. Local police routinely have automatic weapons and heavily armored military vehicles. They have camouflage combat fatigues, flash-bang grenades and night-vision rifle scopes; and,

Whereas, the use of such equipment can drive a wedge between the police and the citizenry. Additionally, it is not clear why much of this equipment is needed or whether officers are fully trained to use it properly; and,

Whereas, law enforcement officers' ability to perform their jobs effectively depends in large measure on the degree of trust they develop and the extent and nature of their communication with the communities they serve; and,

Whereas, the more that military equipment, tactics, and culture infiltrate police departments, the more officers risk developing a combat mindset and the harder community-based policing becomes; and,

Whereas, Pittsburgh City Council originally took this issue up in the fall of 2014; and,

Whereas, subsequent to that action, then-President of the United States Barack H. Obama, on January 16, 2015, signed Executive Order 13688, which established the Law Enforcement Working Group ("LEWG"), charged with identifying "actions that can improve Federal support for the appropriate use, acquisition, and transfer of controlled equipment by State, local, and Tribal law enforcement agencies (LEAs)."; and,

Whereas, President Obama's LEWG recommended, among other things, that "the military be prohibited from transferring certain equipment, such as camouflage uniforms, high-caliber weapons, grenade launchers, and armored vehicles, with additional controls placed on the transfer of other equipment."; and,

Whereas, President Obama's acceptance of the LEWG's recommendations rendered the passage of Council Bill 2014-1155 unnecessary; and,

Whereas, recent events, both here in Pittsburgh and around the nation, where innocent citizens, residents and visitors were treated to military-style police tactics, possibly in violation of their civil and constitutional rights requires that Council re-evaluate that position; and,

Whereas, in doing so, Council has discovered that, on August 27, 2017, Executive Order 13809 was signed, revoking Executive Order 13688, restoring the military’s ability to transfer weapons of war to local law enforcement agencies; and,

Whereas, it has become clear that the Council must act locally to prohibit this practice; and,

Whereas, the Department of Defense, through its surplus programs, has armed and continues to arm local police forces with assault rifles, personnel carriers and other ordinance; and,

Whereas, the citizens of Pittsburgh do not wish to see incidents happen here as they have happened in other places in the nation; and,

BE IT THEREFORE RESOLVED THAT THE COUNCIL OF THE CITY OF PITTSBURGH DOES HEREBY ENACT AS FOLLOWS:

Section 1: The Pittsburgh Code of Ordinances, Title One, Administrative, Article One, General Provisions, Chapter 103, Official Standards, is hereby supplemented as follows:

§ 103.06 - Prohibition on Acquisition of Military Equipment or Weaponry.

Except by express legislative authorization of the Council of the City of Pittsburgh, the City shall not acquire, as purchaser, receiver, lessee or grantee from the United States Department of Defense, the United States Law Enforcement Support (LES) Program, or from any other source the following items for use by employees of the Bureau of Police in the application of law enforcement:

- a. Weaponized aircraft;
- b. Bayonets;
- c. Any Crowd Control munition containing chloroacetophenone (CN);
- d. Any wooden baton round for crowd control operations;
- e. Any military surplus weapon system not intentionally made for civilian law enforcement use and specific only to military operations;
- f. Any purchased military surplus armored vehicle not specifically designed for law enforcement use (such as Mine-Resistant, Ambush-Protected, or “MRAP”) or other military personnel carrier;

Section 2. This Chapter shall take effect immediately upon passage.